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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,323	06/22/2001	E. Vincent Wood	20177-11 US	7211

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,323

Applicant(s)

WOOD ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-8, 10-23, 26-29, and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Prudential (www.prusec.com).
2. As per independent Claims 1 and 7, Prudential discloses a method (system) for determining certain personal characteristics and preferences of an individual, comprising the steps of: subjecting the individual to one or more personality tests and recording the results in a database; subjecting the individual to one or more application specific tests and recording the results in a database; subjecting the individual to one or more situational action response tests and recording the results in a database; scoring the results of said tests and classifying the test results based upon a predetermined set of rules and storing the classified results in said database; and comparing said classified results to a predetermined set of references to develop a set of data representing preferences and other characteristics of the individual (www.prusec.com).
3. As per Claims 2 and 8, Prudential discloses the step of: using said set of data to provide compatible content, advice or personal introductions to said individual (www.prusec.com).
4. As per Claims 4 and 10, Prudential discloses wherein said application specific tests are selected from the group consisting of personality tests, demographics tests, on-line and off-line behavioral response tests, psychographic tests, and life style and quality of life tests (www.prusec.com).

5. As per Claims 5 and 11, Prudential discloses wherein said predetermined set of references include characteristics selected from the group consisting of personality traits, skills, competencies, attitudes, beliefs, behaviors, psychographic, demographic and resume items (www.prusec.com).
6. As per Claims 6 and 12, Prudential discloses wherein the format of each said test is selected from the group consisting of text presentation, video presentation, audio presentation, photographic/image presentation, and combinations thereof (www.prusec.com).
7. As per independent Claim 13, Prudential discloses a method for determining personality type to facilitate the delivery of personality based products or services comprising the steps of: a. providing access for individual users to a personality typing system; b. identifying a user accessing the system and storing user related identification data in a system database; c. collecting data from the identified user including test results and responses to questions and storing the data in the database; d. scoring the results of the tests, comparing the test results and the question responses with a predetermined set of references to develop a set of characteristic data of the identified user and determining a personality type of the identified user from the characteristic data; and e. matching the personality type of the identified user with a corresponding personality based product or service (www.prusec.com).
8. As per Claim 14, Prudential discloses wherein said step a. is performed remote access to the individual users (www.prusec.com).
9. As per Claim 15, Prudential discloses wherein said step c. includes administering at least one of a personality test, a scenario-based test and a roll play-based test to the identified user to obtain the test results (www.prusec.com).

10. As per Claim 16, Prudential discloses wherein said step c. includes collecting at least one of demographic data, psychographic data, quality of life data, life style data, behavior data, and declared preferences data from the identified user to obtain the question responses (www.prusec.com).
11. As per Claim 17, Prudential discloses wherein said behavior data includes at least one of provided behavior data and observed behavior data (www.prusec.com).
12. As per Claim 18, Prudential discloses selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step c. based upon data previously collected from the identified user (www.prusec.com).
13. As per Claim 19, Prudential discloses selecting a presentation medium for each of the questions and tests to be presented to the identified user (www.prusec.com).
14. As per Claim 20, Prudential discloses performing said step d. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step e., each said classification system having an associated predetermined set of references (www.prusec.com).
15. As per Claim 21, Prudential discloses performing said step d. by selecting one of a plurality of scoring methods for scoring the results of the tests (www.prusec.com).
16. As per Claim 22, Prudential discloses performing said step e. by matching the identified user with the personality based product or service preferred by other users having a similar personality type (www.prusec.com).
17. As per Claim 23, Prudential discloses performing said step e. by obtaining context data from the identified user and matching the identified user with the personality based product or

service associates with the identified user personality type and context data
(www.prusec.com).

18. As per Claim 26, Prudential discloses providing access to the system for an administrator, collecting information from the administrator, selecting the tests and questions to be presented to the identified user, performing said step c. with the selected tests and questions, and informing the administrator of the test results and questions responses
(www.prusec.com).
19. As per Claim 27, Prudential discloses performing said step b. by assigning to the identified user a password selected by the administrator (www.prusec.com).
20. As per Claim 28, Prudential discloses permitting the administrator to select the corresponding product or service (www.prusec.com).
21. As per Claim 29, Prudential discloses performing said step c. by presenting a series of questions to the identified user, at least one of the questions being selected based upon a response of the identifies user to a previous question in the series of questions
(www.prusec.com).
22. As per Claim 33, Prudential discloses performing said step c. by selecting an order of presentation of questions to the identified user (www.prusec.com).
23. As per Claim 34, Prudential discloses performing said steps a. through e. for a plurality of the individual users associated as a group (www.prusec.com).
24. As per Claim 35, Prudential discloses providing access to the system for an administrator, collecting information from the administrator, selecting the tests and questions to be presented to the identified users of the group, performing said step c. with the selected tests

and questions, and informing the administrator of the test results and questions responses associated with the group (www.prusec.com).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 24-25 and 30-32 are rejected under 35 U.S.C. 103(a) as being obvious over Prudential.

27. As per Claims 24 and 25, Prudential discloses advising the identified user of the determined personality type (characteristic represented by the characteristic data) (www.prusec.com).

28. Prudential does not expressly disclose obtaining feedback data from the identified user and performing again said step d. including the feedback data in the comparison with the test results and the question responses.

29. However, Prudential does teach that the method is flexible and open for review, and the system also directs the user on how to contact a financial advisor after the personality quiz has been taken – in order to discuss the results and possible future steps (www.prusec.com).

30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included obtaining feedback data from the identified user and performing again said step d. including the feedback data in the comparison with the test

results and the question responses, as disclosed by Prudential, for the advantage of providing a method of providing personality based products/services, with the ability to continually update the products/or services based on changing customer needs/opinions.

31. As per Claim 30, Prudential discloses advising the identified user of the determined personality type, obtaining feedback data from the identified user and performing again said step d. including the feedback data in the comparison with the test results and the question responses (see Claim 24 and 25 rejection), said step d. being performed by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step e., each said classification system having an associated predetermined set of references (www.prusec.com).
32. As per Claim 31, Prudential discloses advising the identified user of the determined personality type, obtaining feedback data from the identified user (see Claim 24 and 25 rejection), utilizing the feedback data to change at least one of a scoring method for scoring the results of the tests and the personality type, and performing again said step d (www.prusec.com).
33. As per Claim 32, Prudential discloses advising the identified user of the determined personality type, obtaining feedback data from the identified user and performing again said step d. including the feedback data in the comparison with the test results and the question responses (see Claim 24 and 25 rejection), and performing said step e. by matching the identified user with the personality based product or service preferred by other users having a similar personality type (www.prusec.com).
34. Claims 3 and 9 are rejected under 35 U.S.C. 103 as being unpatentable over Prudential.

35. As per Claims 3 and 9, Prudential does not expressly show wherein said personality tests include the Keirsey Temperament Sorter.
36. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The customer personal preference indicator would be performed regardless of the type of personality test used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the Keirsey Temperament Sorter as the personality test, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

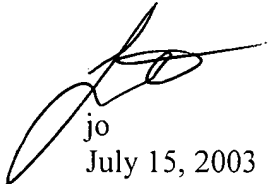
Conclusion

38. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization

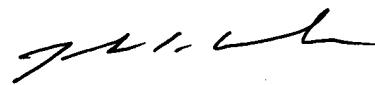
Art Unit: 3629

where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

41. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



jo
July 15, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600